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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,864	11/19/2001	Jacques Agostini	33900-91	9200

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,864

Applicant(s)

AGOSTINI, JACQUES

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claim 11 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7, filed on 9/29/03.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should avoid using phrases which can be implied, such as, "The invention relates to", "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first ends of the two sections of the guiding tube being configured to mate with each other (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Furthermore, new corrected drawings are required in this application because the corrections to Figure 1 were approved on 12/03/03. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 13 and 16 are objected to because of the following informalities:
regarding claim 13, "said plane" in line 5 should be --a plane--; and,
regarding claim 16, "said divergent bore" in line 1 should be --a divergent bore--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Reel, 5,372,373.

Regarding claim 9, Reel discloses, in Figure 2, a joint comprising a nut **26**, a ring **42**, a lock-nut **28**, and a guiding tube **34,36**. The nut **26** has a threaded sleeve **38** extending from the nut **26**. The nut **26** has an axial cavity **26C** with one spherical wall **40B** opening inside the threaded sleeve **38**. The ring **42** is formed in a shape of a portion of a ball and disposed in the axial cavity **26C**. The ring **42** is in contact with the spherical wall **40B**. The lock-nut **28** is threaded on the threaded sleeve **38**. The guiding tube **34,36** comprises two sections **34,36**. Each of the sections **34,36** has a first end **34A,36B** assembled coaxially within the ring **42** and extends on both sides of the ring **42**, respectively.

The threaded sleeve **38** is configured to pass through a wall. The nut **26** is able to be disposed on a first side of the wall. The ring **42** is dimensioned for rotating freely in all directions within the axial cavity of the nut **26**. The guiding tube is dimensioned for facilitating longitudinal movement of an element of a control cable within the guiding tube.

Regarding claim 16, the axial cavity **26C** and a divergent bore **44** each include beveled outer lateral edges **A1** (see marked-up attachment), whereby a limiting angle of clearance of the guiding tube may be increased.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Sasaki et al., 6,213,674.

Regarding claim 10, Reel, as discussed above, fails to disclose the two sections **34,36** of the guiding tube configured to mate with each other, and thereby tighten the ring **42**. Sasaki et al. teach, in Figure 2, two sections **34,36** of a guide tube being configured to mate with each other to form a connection inside a ring being a portion of a ball. Therefore, as taught by Sasaki et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the first ends of the two sections of a guiding tube to mate with each other so as to form a connection inside the ring, which the ring is a portion of a ball.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Markovitz, 4,095,856.

Regarding claim 12, Reel, as discussed above, discloses the guiding tube **34,36** includes a flange **A2** (see marked-up attachment), and the ring **42** includes a throat **A3**. However, the throat **A3** does not have a stop. Markovitz teaches, in Figure 2, a throat **58** having a stop **66** to determine a position of an end of a section of a guiding tube **54** (col. 3, lines 64-68). Therefore, as taught by Markovitz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a stop in the throat to determine the position of the end of the section of the guiding tube.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Muhn, 3,803,685.

Regarding claim 13, Reel, as discussed above, fails to disclose the axial cavity **26C** including two lateral notches disposed diametrically opposite to each other; and, each of the notches having an annular length greater than a width of the ring **42** so as to allow extraction of the ring **42** in a plane perpendicular to a plane defined by the nut **26**. Muhn teaches, in Figures 3 and 5, an axial cavity **16** includes two lateral notches **28** (Fig. 5) disposed diametrically opposite to each other. The notches **28** have an annular length greater than a width of a ring **38** to allow entry of the ring into a spherical opening. Therefore, as taught by Muhn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an axial cavity including two lateral notches disposed diametrically opposite to each other to allow entry of the ring into the spherical opening. Applicant is reminded that since the notches allow entry of

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the ring into the spherical opening, the notches allow extraction of the ring in a plane perpendicular to a plane defined by the nut.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Shiota et al., 4,951,523.

Regarding claim 14, Reel, as discussed above, discloses the guiding tube guiding tube **34,36** including a lateral wall. However, the lateral wall does not have at least two diametrically opposed flat portions. Shiota et al. teach, in Figure 1, a lateral wall having at least two diametrically opposed flat portions to be engaged by a tool so that threaded insertion of a guiding tube is facilitated (see flat between features 9 and 10). Therefore, as taught by Shiota et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to include at least two diametrically opposed flat portions on the lateral wall so that a tool engages the flat portions to facilitate threaded insertion of the guiding tube.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Witte et al., 4,381,163.

Regarding claim 15, this claim was examined in combination with the wall. Reel, as discussed above, discloses the joint further comprising the wall **14B**. However, Reel fails to disclose the nut **130** including an annular shoulder having a face abutting the

wall **14B**. Witte et al. disclose a nut **1** including an annular shoulder **11** having a face **13** abutting a wall **27**. Witte et al. do not explicitly explain the purpose of the annular shoulder, however, it is known in the art of fasteners to include an annular shoulder to act as a washer so that the nut does not become loosen. Therefore, as taught by Witte et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an annular shoulder having a face abutting a wall so that the nut does not become loosen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'E.G.' with a stylized flourish.

E.G.

June 4, 2004

Attachment: one marked-up copy of Reel, 5,372,373.

A handwritten signature in black ink that reads 'Daniel P. Stodola'.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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5,372,373 (Reel)

